

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/700,615 Confirmation No. : 2412
Applicant : Brian STYLES et al.
Filed : November 4, 2003
TC/A.U. : 2155
Examiner : Bharat Barot
Docket No. : 570-P0002
Customer No. : 23334
For : *VALIDATION OF PORTABLE COMPUTER TYPE PRIOR TO
CONFIGURATION OF A LOCAL RUN-TIME ENVIRONMENT*

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is filed in response to a Final Office Action dated July 30, 2007, followed by a Notice of Appeal with Pre-Appeal Conference Request Brief filed October 30, 2007, and a Notice of Panel Decision from Pre-Appeal Brief Review and Invitation to file Appeal Brief dated December 14, 2007. Reconsideration of the Application, withdrawal of the rejections, and allowance of the claims are respectfully requested.

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CERTIFICATE OF TRANSMISSION

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By: Jon Gibbons Signature: /Jon Gibbons/
(Applicant, Assignee, or Representative)

I. REAL PARTY IN INTEREST

The real party in interest is ScriptLogic Corporation of Boca Raton, Florida.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1 and 3-22 are pending.

Claims 1 and 3-22 are rejected.

The Appellant is appealing the rejection of independent claims 1, 8, 14, 20, 21 and 22 and all other remaining claims that depend from these independent claims. Claims 1 and 3-22 are on appeal.

IV. STATUS OF AMENDMENTS

The Examiner issued a final rejection of claims 1 and 3-22 in the Final Office Action of July 30, 2007. Appellants submitted a Notice of Appeal with Pre-Appeal Conference Request Brief filed October 30, 2007 in response to the Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Preferred embodiments of the present invention provide an improved method for configuring a local run-time environment for a user on the client workstation. Today it is common for most corporate networks to use logon scripts because they assist with

centralized administration. Logon scripts are difficult to create, edit, and administer. Also, logon scripts in certain run-time environments such as Windows NT/2000/2003/XP/Vista can be assigned to a single user or multiple users. Logon scripts are aptly named configuration files that run upon user logon to a workstation or client system. The present invention allows configurations of a local run-time environment for one or more user accounts on a client system based on whether or not the client system is a portable system, e.g. laptop, as opposed to desktop system. This is important because prior art systems do not differentiate the run-time environment for a portable system. Applying configuration settings to a portable device many times requires a network connection. For example, if a portable device tries to connect to a network drive or download an update to an operating system or antivirus update, this often results in a warning message. These types of messages often confuse rather than assist the user.

The following identifies the subject matter defined in each of the claims under appeal in the present application. The underline portion of the text are the elements of each claim on appeal followed by a non-underlined portion referencing the text and drawings that provide support for the element. The claims sets forth the following subject matter.

Claim 1. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system

comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; Local run-time environmental condition paragraph [00044] and portable system [00047] and FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and FIG. 10 and FIG. 11 and paragraphs [00059] through [00061] GUI Manager 402 allows central configuration settings. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client. The detection of the client includes whether a CPU is a mobile type. Paragraphs [00074] through [00079].

determining if the environmental condition indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU, PC Card driver, PC

Card inserted, UPS and more is a mobile type. Paragraphs [00074] through [00079]. Example code with confidence determination is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

Claim 3. The method of claim 1, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;

an uninterruptible power supply (UPS) is connected; and

a portable power scheme is selected in an operating system

and using one or more of the confidence values to determine if the client system is a laptop. FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type.

Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

Claim 4. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path. Paragraph [0050] and FIG. 4. "Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] folder redirections."

Claim 5. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource. Paragraph [00050]. FIG. 4. "Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] folder redirections." Paragraph [0058].

Claim 6. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication. Paragraph [00050] and FIG. 4. "Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] proxy configurations." Paragraph [0058].

Claim 7. The method of claim 6, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown. FIG. 11. “Another example would be when you want computers connected to the corporate network to be configured to access the Internet through a proxy server. Again, portable computers, when disconnected from the corporate LAN, would present a problem since they would retain the configuration to use a proxy server though no proxy server would be present. Here the determination of a portable class machine could be used to disable the need to use a proxy server when the user logs out or the machine is shut down.” Paragraph [00079].

Claim 8. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether a PC Card driver is started in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration

settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; Local run-time environmental condition paragraph [00044] and portable system [00047] and FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and FIG. 10 and FIG. 11 and paragraphs [00059] through [00061] GUI Manager 402 allows central configuration settings. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client. The detection of the client includes whether a PC Card/ PCMCIA is started. Paragraphs [0046] and [00074] through [00079].

determining if the environmental condition is met indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

Claim 9. The method of claim 8, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;

an uninterruptible power supply (UPS) is connected; and

a portable power scheme is selected in an operating system and using one or more of the confidence values to determine if the client system is a laptop.

FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU, PC Card driver, PC Card inserted, UPS and more is a mobile type. Paragraphs [00074] through [00079]. Example code with confidence determination is shown in FIG. 11.

Claim 10. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path. Paragraph [0050] and FIG. 4. "Moreover, the

validation logic is applicable to any configuration setting configurable at client run-time such as [...] folder redirections.”

Claim 11. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource. Paragraph [00050] and FIG. 4. “Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] folder redirections.” Paragraph [0058].

Claim 12. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication. Paragraph [00050] and FIG. 4. “Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] proxy configurations.” Paragraph [0058].

Claim 13. The method of claim 12, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown. FIG. 11. “Another example would be when you want computers connected to the corporate network to be configured to access the Internet through a proxy server. Again, portable

computers, when disconnected from the corporate LAN, would present a problem since they would retain the configuration to use a proxy server though no proxy server would be present. Here the determination of a portable class machine could be used to disable the need to use a proxy server when the user logs out or the machine is shut down.” Paragraph [00079].

Claim 14. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether a PC Card is inserted in a socket in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; Local run-time environmental condition paragraph [00044] and portable system [00047] and FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and FIG. 10 and FIG. 11 and paragraphs [00059] through [00061] GUI Manager 402 allows central configuration settings. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client. The

detection of the client includes whether a PC Card/ PCMCIA is present.

Paragraphs [0046] and [00074] through [00079].

determining if the environmental condition is met indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

Claim 15. The method of claim 14, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;
an uninterruptible power supply (UPS) is connected; and
a portable power scheme is selected in an operating system
and using one or more of the confidence values to determine if the client system
is a laptop. FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU, PC Card driver, PC Card inserted, UPS and more is a mobile type. Paragraphs [00074] through [00079]. Example code with confidence determination is shown in FIG. 11.

Claim 16. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path. Paragraph [0050] and FIG. 4. "Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] folder redirections."

Claim 17. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource. Paragraph [0050] and FIG. 4. "Moreover, the validation logic

is applicable to any configuration setting configurable at client run-time such as [...] folder redirections.” Paragraph [0058].

Claim 18. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication. Paragraph [00050] and FIG. 4. “Moreover, the validation logic is applicable to any configuration setting configurable at client run-time such as [...] proxy configurations.” Paragraph [0058].

Claim 19. The method of claim 18, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown. FIG. 11. “Another example would be when you want computers connected to the corporate network to be configured to access the Internet through a proxy server. Again, portable computers, when disconnected from the corporate LAN, would present a problem since they would retain the configuration to use a proxy server though no proxy server would be present. Here the determination of a portable class machine could be used to disable the need to use a proxy server when the user logs out or the machine is shut down.” Paragraph [00079].

Claim 20. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether a system battery is present in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; Local run-time environmental condition paragraph [00044] and portable system [00047] and FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and FIG. 10 and FIG. 11 and paragraphs [00059] through [00061] GUI Manager 402 allows central configuration settings. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client. The detection of the client includes whether a PC Card/ PCMCIA is present. Paragraphs [0046] and [00074] through [00079].

determining if the environmental condition is met indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client

Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

Claim 21. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether an uninterruptible power supply (UPS) is connected to a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; Local run-time environmental condition paragraph [00044] and portable system [00047] and FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and FIG. 10 and FIG. 11 and

paragraphs [00059] through [00061] GUI Manager 402 allows central configuration settings. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client. The detection of the client includes whether a UPS is present. Paragraphs [0046] and [00074] through [00079].

determining if the environmental condition is met indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

Claim 22. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system

comprising: FIG. 1 and FIG. 4 and paragraphs [00052] through [00054], [0058] through [0061].

receiving at least one local run-time environmental condition including at least one condition based on whether a portable power scheme is selected in an operating system running on a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

determining if the environmental condition is met indicates that the client system is a portable system; FIG. 4, FIG. 10, and FIG. 11. The settings are received by the client from the server as a Template File 404 and Validation Logic 412 checks a local run-time environment of the client i.e. Class of Client Machine 506. The detection of the client includes whether a CPU is a mobile type. Validation is defined in paragraph [00050] and Paragraphs [00074] through [00079]. Example code for CPU detection is shown in FIG. 11.

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system. Configuration Setting Paragraph [00037] and FIG. 4 the settings are applied 414 from Template File 404 to client. Paragraph [0058].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 3-22 are unpatentable under 35 U.S.C. §102(e) over Pitzel et al (U. S. Patent No. 7,062,765).

VII. ARGUMENT

7.1. The Rejection

In the Examiner's Final Office Action of July 30, 2007, the Examiner rejected claims 1 and 3-22 under 35 U.S.C. §102(e) as being anticipated by Pitzel et al.

In response, Appellants respectfully traverse this rejection, and submit that Pitzel does not disclose all the elements and limitations of the claimed invention. Consequently, the claims on file are not anticipated by Pitzel, and the allowance of these claims is earnestly solicited. The allowability of the rejected claims will now be discussed in view of representative claim 1. In support of this position, Appellants submit the following arguments:

7.2. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such

assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Appellants' position of non anticipation, with emphasis added for clarity purposes:

- “Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103.” Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- “Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference.” Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

7.3. Application of the Legal Standard of Anticipation to Representative Claims

Pitzel generally describes “*a system and a method for updating components in a client computer. The invention includes a method for upgrading software for various users, each of the users having diverse hardware and software configurations. The invention includes a method for automatically determining the hardware and software*

configuration of the client computer without user intervention. To begin the upgrade, the client computer reads a configuration file that identifies the components for downloading. Upon receipt of the configuration file, the client computer determines the hardware and software configuration of the client computer.” See Pitzel Abstract. Pitzel is especially useful for handling software and hardware (i.e. firmware) updates to client systems. See Pitzel Col. 5, lines 47-62 describing upgrade handler 134. The present invention also describes updating client systems and more specifically configuration settings in a client machine. See generally paragraph [00037] of the present invention defines that “The configuration settings can be broken down into three categories. The first category is for setting an operating system that can include configuration settings for an operating system such as a 4-digit year, type of wallpaper, type of screen saver, 24-hour clock. The second category is for setting for one or more application such as mapping a default drive for a word processor’s document files, the path of the backup files and the default open and save path for a word processor. The third category is for the mapping of a resource on a client to a resource on a network, such as a drive, CD ROM drive, tape drive or printer.” This is different than the upgrade of software taught by Pitzel. Accordingly, the present invention has a different purpose than Pitzel.

Continuing further, as defined in paragraph [0044], the present invention determines the “local client run-time environment – one or more operating environment variables which are determined at client run-time, including but not limited to an operating system which is running, a MAC address, user name, workstation name, TCIP/IP address, host address, site, domain, connection method, whether the client

system is a portable device or desktop device and any other setting not typically determined until the client system has started.” Pitzel at col. 4, lines 41-54 describes a client profile permanently stored as or generated upon a request. This is the same as gathering information at run-time environment which changes with every reboot such as TCP/IP address. Pitzel continues by stating *“As used herein, the term “client conditions” includes, among other things: a preferred operating language, e.g., French, English, German, etc., the name of the operating system of the client computer 104, any version number that may be associated with the operating system, the existence of one or more other components of the client computer 104, and/or a user identification number.”* It is important to note that all of these “client conditions” described by Pitzel are static and not dependent upon client run-time or client boot-up. Stated differently, run-time conditions of the present invention often change after the computer is started where operating system and national language of the operating system are static and will not change once the operating system is installed and the “client conditions” logged in a permanent file. Accordingly, the present invention has a different purpose than Pitzel for at least this reason and Pitzel will not operate on “run-time” conditions.

The Examiner at the bottom of page 2 continuing on the top of page 3 of the final office action states *“As to claim 1, Pitzel et al. teaches a method [...] receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system (figure 1; column 2, lines 20-38 and column 3 lines 28-63) wherein the one or more selectable*

configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein (figure 1; column 3, lines 46-63 and column 4 lines 8-40).” However, careful reading of Pitzel discloses only one location where the word “portable” is used and that is at col. 3, lines 54-58. Specifically in the words of Pitzel reproduced here for convenience (emphasis added):

“Furthermore, the client computer 104, the configuration server 112, the component server 116, and the download server 118 may be desktop, server, portable, hand-held, set-top, or any other desired type of configuration.

Furthermore, the client computer 104, the configuration server 112, and the component server 116, and the download server 118 each may be used in connection with various operating systems such as: UNIX, LINUX, Disk Operating System (DOS), OS/2, Windows 3.X, Windows 95, Windows 98, and Windows NT.”

Clearly, Pitzel is broadly teaching that the client system can be any type of computer; however, Pitzel is completely silent on using the fact that the client machine is a portable machine (as opposed to a desktop) as an environmental condition to determine as to whether to apply a configuration setting. Pitzel makes no mention of portable detection based on CPU in the client system, that is, Pitzel is completely silent on “receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type.” The Appellant respectfully submits that the Examiner is confounding the term “portable” with the term “a CPU is a [...] a portable type”. It is important to note, that just because a client system is portable, it does not mean that the client system has a portable class of

central processor unit (CPU). Stated differently, it is possible to purchase laptops that use CPUs that are not in a class of portable processors. There are known classes of CPUs in portable devices, however, the reverse is not true. For example, Intel sells CPUs branded as Centrino which are used exclusively for laptops, where Intel sells other CPUs branded as Xeon which are used almost exclusively in servers. It is possible, however, to purchase a Xeon CPU in specialized laptops. Therefore some laptop has a desktop or even server class CPU and the present invention relies on additional tests (see claims 3, 9, and 15) to determine if the client system regardless of the CPU installed is indeed portable. Pitzel teaches “client conditions” and makes no mention of CPU i.e. central processing unit types. Accordingly, the independent claims 1, 8, 14, 20, 21 and 22 of the present invention distinguish over Pitzel for at least this reason.

Independent claims 1, 8, 14, 20, 21 and 22 further recite “wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein.” In the present invention, this is handled by a system administrator at a server. See, for example, graphical tool 402 in FIG. 4 with example screen shots FIGs. 5-8 of the present invention. This centralized graphical management is not described for the component server 116 of Pitzel. Accordingly, the independent claims 1, 8, 14, 20, 21 and 22 of the present invention distinguish over Pitzel for at least this reason.

Moreover, even arguing, if Pitzel somehow inherently teach “determining a CPU in the client system [...] is one of a mobile type”, which Pitzel clearly does not, because Pitzel is not concerned with how to manage configuration settings for a portable device, especially when the portable device is not connected to a network e.g. mapped network drives and mapped network printers, Pitzel is silent on

determining if the environmental condition indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

The Examiner at the bottom of page 3 of the final office action points to Pitzel at FIG. 1, col. 3 lines 46-63, col. 4 lines 8-40, and col. 4- lines 41-60. To begin, FIG. 1 illustrates a client computer 104 and col. 3, lines 46-63 as described above is the only place in Pitzel where the word “portable” is used to broadly teach that the client computer 104 can be any type of computer. No mention is made of how the type of central processing unit (CPU) of the system is determined at run-time dictates what configuration settings are applied.

The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Pitzel.¹ Because the elements in independent claim 1 of

receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system [...]

determining if the environmental condition indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

are not taught or disclosed by Pitzel. No detection of a class of CPU (i.e. hardware ID of the central processor chip) in a client system 104 is taught or suggested by Pitzel for applying configuration settings. Accordingly, the present invention distinguishes over Pitzel for at least this reason. The Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 102(e) has been overcome.

¹ See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

Independent claim 1 has been previously amended to distinguish over Pitzel. Claims 3-7 depend from claim 1, since dependent claims contain all the limitations of the independent claims, claims 3-7 distinguish over Pitzel, as well.

With respect to dependent claims 3, 9, and 15, the Examiner states on page 3, paragraph 6 of his final office action, "As to claim 3, Pitzel et al. teach that the determining if the environmental condition is met where the client system is a portable system includes determining/verifying the client components (hardware/software) and assigning a confidence value (identifier) to each components (figures 2-3 and column 5 line 64 to column 7 line 11)." The Applicants respectfully traverse this rejection. Claim 3 recites (dependent claims 9 and 15 recite identical elements):

3. (Original) The method of claim 1, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;

an uninterruptible power supply (UPS) is connected; and

a portable power scheme is selected in an operating system

and using one or more of the confidence values to determine if the client system is a laptop.

These claim elements are not taught or disclosed by Pitzel. No detection of a CPU class of a portable client system 104 or whether a PCMCIA / PC Card is present or a system battery is present is taught or suggested by Pitzel for applying configuration settings. Pitzel does not suggest, mention or teach any of these terms “a client CPU is a mobile type”; “a PC Card driver is started”; “a PC Card is inserted in a socket”; “a system battery is present”; “an uninterruptible power supply (UPS) is connected”; and “a portable power scheme is selected in an operating system” and using one or more of the confidence values to determine if the client system is a laptop.” The Examiner is comparing Pitzel’s use of an “identifier” to “confidence values”. Pitzel defines at col. 6, lines 6-8 as “The configuration file identifier 202 identifies the format of the remainder of the configuration file 114. In one embodiment of the invention, at least two types of configuration files exist: a client readable configuration file (CR file) and a server configuration file (SR file).” Therefore, Pitzel is clearly using the term “identifier” to mean a format identifier of the configuration file. In contrast, claim 3 of the present invention uses “confidence values” to mean a level of assuredness the system is indeed a portable system. Examples of this confidence value are shown in the source code example of FIG. 11 of the present invention as originally filed. The source code at FIG. 11 lines 8-9, lines 15-17 and repeats for every case statement assigning the “\$ClientClassRule=” expression gives examples of this assuredness value. Accordingly, claim 3 of the present invention distinguishes over Pitzel for at least this reason as well.

The Applicants further respectfully assert that “whether an uninterruptible power supply (UPS) is connected” as recited in dependent the claims 3, 9, and 15 is not a “*power supply in a computer system.*” Hence this cannot be “*inherent*” as stated by the Examiner. The Appellant’s respectfully submit that the Examiner is confounding the term UPS with an internal power supply of a client computer. The UPS is a well-known acronym for an Uninterruptible Power Supply) – an external battery-based device that provides battery backup when the electrical power fails or drops to an unacceptable voltage level. Small UPS systems provide power for a few minutes; enough to power down the computer in an orderly manner. This is NOT the same as a power supply in a computer system. The power supply is internal to a computer which runs off of to 110V household power and produces DC voltages used by the internal circuitry of the computer. Moreover, it would be very unlikely that a portable computer would have a UPS since the laptop already by definition has a portable power source i.e. an internal battery. Electrical power failure would not interrupt a laptop. Hence the distinction between an external UPS and an internal power supply is important.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). “To establish inherency, the extrinsic

evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted) (The claims were drawn to a disposable diaper having three fastening elements. The reference disclosed two fastening elements that could perform the same function as the three fastening elements in the claims. The court construed the claims to require three separate elements and held that the reference did not disclose a separate third fastening element, either expressly or inherently.).

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original) (Applicant's invention was directed to a biaxially oriented, flexible dilation catheter balloon (a tube which expands upon inflation) used, for example, in clearing the blood vessels of heart patients). The examiner applied a U.S. patent to Schjeldahl which disclosed injection molding a tubular

preform and then injecting air into the preform to expand it against a mold (blow molding). The reference did not directly state that the end product balloon was biaxially oriented. It did disclose that the balloon was "formed from a thin flexible inelastic, high tensile strength, biaxially oriented synthetic plastic material." Id. at 1462 (emphasis in original). The examiner argued that Schjeldahl's balloon was inherently biaxially oriented. The Board reversed on the basis that the examiner did not provide objective evidence or cogent technical reasoning to support the conclusion of inherency.).

With regards to claims 8-21, these claims have been amended to positively recite a specific type of portable device detection. More specifically, independent claims 8, 14, 20, 21, and 22 have similar limitations as independent claim 1, however rather than specifically reciting "whether a CPU in a client system is one of a mobile type" before applying configuration settings, independent claim 8 explicitly recites "whether a PC Card driver is started", independent claim 14 explicitly recites "whether a PC Card is inserted in a socket"; independent claim 20 explicitly recites "whether a system battery is present"; independent claim 21 explicitly recites "whether an uninterruptible power supply (UPS) is connected"; and independent claim 22 explicitly recites "whether a portable power scheme is selected." For the sake of brevity and to avoid repeating the reasons here, as stated above with reference to dependent claims 3, 9, 15, Pitzel is silent on this type of specific portable detection. Accordingly independent claims 8, 14, 20, 21 and 22 distinguish over Pitzel for at least these reasons. All the remaining

claims, i.e. claims 9-13, and 15-19, depend from independent claims 8 and 14 respectively. Since dependent claims contain all the limitations from the claims they depend, dependent claims 9-13, and 15-19 distinguish over Pitzel, as well.

For the reasons stated above, the Appellant respectfully contends that each claim is patentable. Therefore, reversal of all rejections is courteously solicited.

Respectfully submitted,

Dated: January 14, 2008

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VIII. CLAIMS APPENDIX

1. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether a CPU in a client system is one of a mobile type to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

2. (Cancelled)

3. The method of claim 1, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

- a client CPU is a mobile type;

- a PC Card driver is started;

- a PC Card is inserted in a socket;

- a system battery is present;

- an uninterruptible power supply (UPS) is connected; and

- a portable power scheme is selected in an operating system

and using one or more of the confidence values to determine if the client system is a laptop.

4. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path.

5. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource.

6. The method of claim 1, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication.

7. The method of claim 6, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown.

8. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether a PC Card driver is started in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition is met indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

9. The method of claim 8, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;
a PC Card is inserted in a socket;
a system battery is present;
an uninterruptible power supply (UPS) is connected; and
a portable power scheme is selected in an operating system
and using one or more of the confidence values to determine if the client system is a
laptop.

10. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path.

11. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource.

12. The method of claim 8, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication.

13. The method of claim 12, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown.

14. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether a PC Card is inserted in a socket in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition is met indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

15. The method of claim 14, wherein the determining if the environmental condition is met where the client system is a portable system includes assigning a confidence value to each of the following:

a client CPU is a mobile type;

a PC Card driver is started;

a PC Card is inserted in a socket;

a system battery is present;

an uninterruptible power supply (UPS) is connected; and

a portable power scheme is selected in an operating system and using one or more of the confidence values to determine if the client system is a laptop.

16. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings on the client system for an application's default document file location path.

17. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any folder redirections to a network resource.

18. The method of claim 14, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication.

19. The method of claim 18, wherein the determining if the environmental condition is met includes applying at least one of the one or more selectable configuration settings includes removing any proxy server authentication required for logout and shutdown.

20. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether a system battery is present in a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition is met indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

21. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether an uninterruptible power supply (UPS) is connected to a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition is met indicates that the client system is a portable system; and

in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

22. A method in a client-server environment, to manage a configuration of resources on at least one client system, the method on a client system comprising:

receiving at least one local run-time environmental condition including at least one condition based on whether a portable power scheme is selected in an operating system running on a client system to determine whether one or more selectable configuration settings are applied on the client system, wherein the one or more selectable configuration settings are previously set graphically using a graphical user interface with one or more user selectable configuration settings therein; and

determining if the environmental condition is met indicates that the client system is a portable system; and
in response to the environmental condition indicating that the client system is a portable system then applying at least one of the one or more selectable configuration settings on the client system.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE